THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27110 of 1995

05.12.2006

Between:

Sri Mutyalamma Modern Rice Mill and Groundnut Oil Mill,
Srikurmam, Gara Mandal, Srikakulam District represented
By its Partner K.S.Kumar, S/o.Ramanaiah
And others

... Petitioners

AND

The Secretary, Andhra Pradesh State Electricity Board,
Vidyut Soudha, Hyderabad
And others

... Respondents

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ORDER:

The petitioners are statedly modern rice mills. The third respondent herein issued impugned memo dated 28.10.1995 whereunder the revised schedule of power supply timings was communicated to the Operation Officers. While doing so, a distinction was made between the rice mills situated in urban areas, which were to be supplied power for a longer period, and the rice mills situated in rural areas, which were to be supplied power for a little lesser period. The schedule was to be effective from 13.10.1995 and the timings prescribed were to be interchanged between two groups weekly on every Sunday. The petitioners herein are running the mills in the villages availing power supply from 11 KV feeders in Srikurmam in Srikakulam District. They allege that there is patent discrimination in supply of electricity by respondents. Therefore, they seek invalidation of the circular/memo cited herein above.

A counter affidavit is filed by the Deputy Manager (Legal Cell) of A.P. State Electricity Board, denying the allegation that there is a classification in a descriptive manner. It is stated that there is five hours power-cut on all urban feeders during the day-time whereas six hours power-cut in rural areas due to scarcity in electricity production. Reliance is also placed on Terms & Conditions of Supply which enable the respondents to impose restrictions on availing power supply. According to the respondents such a method was adopted keeping in view the falling generation of energy and the supply schedule was fixed on rational basis.

The writ petition was filed in 1995 assailing the proceedings of the third respondent prescribing the schedule for supply of electricity due to scarcity of energy. By the very nature of the proceedings, it was not intended to be a permanent one and in all probability as it presents there would be a separate schedule, if there is still shortage of electricity from generating stations. Therefore, the petitioners may not have any grievance at this point of time. This Court however hastens to add that the petitioners have not filed any reply affidavit denying the counter averment that a rational basis was adopted in supplying the electricity to the modern rice mills situated in rural areas and the modern rice mills situated in urban areas. The same does not warrant any interference.

The writ petition is accordingly dismissed. No costs.

December 05, 2006 (**V.V.S.RAO, J**)

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